

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-227-C - ORDER NO. 2021-49
JANUARY 22, 2021

IN RE: Legacy Long Distance International,)	ORDER APPROVING
Incorporated and Network Communications)	TRANSFER OF
International Corp. d/b/a NCIC Inmate)	CONTRACTS
Communications Joint Application for)	
Consent to Transfer Contracts of Legacy)	
Long Distance International, Incorporated)	
(See Docket Nos. 1999-179-C and 1999-385-)	
C))	

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the verified Joint Application of Legacy Long Distance International, Inc. (“Legacy”) and Network Communications International Corporation d/b/a NCIC Inmate Communications (“NCIC”) (collectively, the “Parties” or “Applicants”) seeking approval of a transfer of customer contracts from Legacy to NCIC.

The verified Application was filed on September 16, 2020, pursuant to S.C. Code Ann. § 58-9-310 (2015). Following completion of the transfer of customer contracts, Legacy will no longer operate within South Carolina and states an application will be submitted to the Commission to cancel Legacy’s authority and any tariffs on file with the Commission.

II. SUMMARY OF THE MATTER

Legacy is a full-service provider of inmate communications and investigative technology services at correctional institutions nationwide. Legacy's services include operator services, debit, and prepaid calling. Legacy is a California corporation, incorporated on September 17, 1996. Legacy is a wholly-owned subsidiary of Jail Education Solutions, Inc. d/b/a Edovo. In South Carolina, Legacy was granted a Certificate of Public Convenience and Necessity ("CPCN") to provide competitive InterLATA/IntraLATA resold telecommunications in Order No. 1999-823 in Docket Number 1999-179-C on November 19, 1999.

NCIC is a Texas S Corporation, incorporated on August 29, 1996. NCIC currently provides service to over seven hundred fifty (750) correctional facilities nationwide, including Puerto Rico. NCIC specializes in the provision of inmate communications services to the correctional industry utilizing a combination of various systems to include voice biometrics, call thresholding, and three-way call detection. NCIC's services include operator services, debit, and prepaid calling. In South Carolina, NCIC was granted a CPCN to provide competitive IntraLATA/InterLATA resold telecommunications services by Order No. 2000-191 in Docket Number 1999-385-C on March 21, 2000.

On April 22, 2020, Legacy and NCIC entered into an Asset Sale and Assignment Agreement (the "Agreement") whereby NCIC agreed to acquire specific inmate communications services contracts currently held by Legacy. Upon consummation of the transaction contemplated by the Agreement, NCIC will own 100% of the contracts listed in the Agreement and will become the provider of service to these facilities. The

transaction is expected to occur following the satisfaction of customary closing conditions, including the receipt of all required regulatory approvals. Upon closing, customers will continue to be serviced by NCIC on substantially the same terms and conditions as previously provided by Legacy, and will not result in an interruption, reduction, loss, or impairment of services to any customer.

Legacy and NCIC submit that the transaction is in the public interest, will be seamless to Legacy's customers, raises no competitive issues, and will have no adverse impact on Legacy's customers. According to Legacy and NCIC, approval of the transaction will serve the public interest, convenience, and necessity as "it will permit the continued, uninterrupted provision of high-quality service to the correctional facilities, inmates and their families." Approval will promote competition in the inmate telecommunications marketplace, allowing NCIC to become a stronger competitor and further the development of new and better services for the benefit of customers. Legacy and NCIC are unaware of any harm to customers or to the market that would occur as a result of the transaction.

By letter dated September 28, 2020, the Clerk's Office of the Commission instructed Applicants to publish the Notice of Filing (the "Notice") in newspapers of general circulation in the areas affected by the Application. Among other things, the Notice provided information regarding the nature of the proceeding and advised any person desiring to participate as a party of record to file a Petition to Intervene on or before November 3, 2020. Applicants were required to publish the Notice on or before October 13, 2020, and provide proof of publication no later than November 3, 2020. Applicants

filed the Affidavit of Publication with the Commission on October 22, 2020. The Notice was published in *The State* on October 7, 2020.

III. DISCUSSION

The Commission is always concerned that consumers receive the best quality of service available. The effect of the transaction and transfer of customers from Legacy to NCIC will not result in an interruption, reduction, loss or impairment of services to any customer. The transaction is transparent to customers and will not have a negative impact on the public interest, services to customers, or competition. Based upon the verified Joint Application considered by the Commission in the context of the Commission Business Meeting, the transfer of contracts between Legacy and NCIC should be approved.

IV. FINDINGS OF FACT

1. The Commission finds that Legacy and NCIC are corporations organized in California and Texas, respectively.

2. The Commission finds that Legacy was certificated to provide competitive InterLATA/IntraLATA resold telecommunications services on November 19, 1999, by Order No. 1999-823 in Docket Number 1999-179-C; NCIC was certificated to provide competitive InterLATA/IntraLATA resold telecommunications services on March 21, 2000, by Order No. 2000-191 in Docket Number 1999-385-C.

3. The Commission finds that the transfer of contracts from Legacy to NCIC will not result in an interruption, reduction, loss, or impairment of services to customers.

4. The Commission finds that the transfer of contracts from Legacy to NCIC will be seamless to Legacy's customers.

5. The Commission finds that the transfer of contracts from Legacy to NCIC will have no adverse impact on Legacy's customers.

6. The Commission finds that no person or party contests this transaction or transfer from Legacy to NCIC.

V. CONCLUSIONS OF LAW

1. The Commission concludes that the transfer of contracts from Legacy to NCIC is in the public interest.

VI. ORDERING PROVISIONS


IT IS THEREBY ORDERED THAT:

1. The requested transfer of contracts from Legacy to NCIC is hereby approved.

2. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:





Florence P. Belser, Vice Chairman
Public Service Commission of
South Carolina